

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 11
	:	
2173 SPWAY, LLC,	:	CASE NO. 22-59927-PMB
	:	
DEBTOR.	:	
_____	:	
	:	
MARY IDA TOWNSON,	:	
UNITED STATES TRUSTEE,	:	
	:	
MOVANT.	:	
	:	
v.	:	
	:	
2173 SPWAY, LLC,	:	CONTESTED MATTER
	:	
RESPONDENT.	:	

**UNITED STATES TRUSTEE'S MOTION TO DISMISS**

COMES NOW the United States Trustee for Region 21, in furtherance of the administrative responsibilities imposed pursuant to 28 U.S.C. § 586(a), and respectfully moves this Court to enter an order dismissing this case. As cause therefore, the United States Trustee shows as follows:

1. On December 6, 2022, 2173 SPWAY, LLC ( "Debtor") filed a voluntary petition for relief under chapter 11 (subchapter V) of the United States Bankruptcy Code.
2. Debtor's petition indicates that it is a corporation. Haqiah Abdullah signed the petition as the authorized representative of the Debtor, with the title of Member.
3. The box on the petition marked "Signature of Attorney" is blank. The petition does not bear the signature of an attorney. Therefore, it appears that the corporate debtor commenced this case *pro se*.

4. It does not appear the Debtor has filed an application to employ an attorney.
5. Debtor has not paid any filing fees.
6. Pursuant to applicable bankruptcy and federal law, a corporation, partnership, or association may not proceed pro se in bankruptcy. *National Independent Theatre Exhibitors, Inc. v. Buena Vista Distribution Company*, 748 F.2d 602 (11th Cir. 1984), *cert. denied*, 471 U.S. 1056, 105 S. Ct. 2120 (1985) (corporations); *First Amendment Foundation Village of Brookfield*, 575 F. Supp. 1207 (N.D. Ill. 1983) (partnerships); *Church of the New Testament v. United States of America*, 783 F.2d 771 (9th Cir. 1986) (associations). *See also* Bankruptcy Rule 9010 and the accompanying Advisory Committee Note.

WHEREFORE, the United States Trustee respectfully requests that this Court dismiss this case pursuant to 11 U.S.C. § 1112(b) and grant any other or further relief the Court deems appropriate.

MARY IDA TOWNSON  
UNITED STATES TRUSTEE  
REGION 21

/s/ Thomas W. Dworschak  
Thomas W. Dworschak  
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### **CERTIFICATE OF SERVICE**

This is to certify that I have on December 8, 2022, electronically filed the foregoing *UNITED STATES TRUSTEE'S MOTION TO DISMISS* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following party who has appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Gary M. Murphey

[Murphey@RFSLimited.com](mailto:Murphey@RFSLimited.com)

This is to certify that I have on December 8, 2022, I have also on this day caused a copy of the pleading to be placed in the first-class United States mail, postage prepaid, addressed to the following recipient not participating in the CM/ECF system as follows:

2173 SPWay, LLC  
10 Glenlake Parkway  
Atlanta, GA 30328

/s/ Thomas W. Dworschak